IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 4201, 4202, 4203 & 4204 of 2007

DATED: 6.3.2007

WRIT PETITION NO.4201/07

Between:

The Kaleru Primary Agricultural Coop Credit Society ltd petitioner

And

Valluri Rama Krishna S/o Sri Surya Rao Respondent

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO : 4201, 4202, 4203 & 4204 of 2007

COMMON ORDER:

The above four writ petition are filed questioning the order of the second respondent authority dated 30.12.2006 directing the petitioner herein to reinstate the concerned workman into service within 30 days from the date of receipt of said orders with 50 % of the backwages from 30-11-2005 till date of reinstatement. Since the issue raised in all the four writ petitions is one and the same, they are being disposed of by this common order.

The petitioner herein is management of Primary Agricultural Cooperative Society Ltd. The main contention of the learned counsel for petitioner is that the second respondent authority has no jurisdiction to entertain the application filed by workmen.

On the other hand, learned Government Pleader for Home submits that the issue raised in the present writ petition is squarely covered by the orders of this Court in W.P.No. 18086 of 2006 dated 26.12.2006. It is further submitted that as against the impugned orders, an appeal is provided under Section 18 (3) of the A.P.S.E.Act to the Deputy Commissioner of Labour.

Heard learned counsel for petitioner and learned Government Pleader for Labour.

The similar issue was considered by this Court in W.P. No. 18086 of 2006 dated 26.12.2006, wherein following the judgment of this Court in **A.Subramanyam Naidu and others Vs. Government of Andhra Pradesh**[1], it is held that the applications filed under Section 50 of the A.P.S.E. Act before the Labour Officer are maintainable. The operative portion reads as under;

> "From the above judgment it is clear that the petitioners being the employees of the 1st respondent/society come within the meaning of employees as defined under the A.P. Shops and Establishments Act, 1988 and the applications filed by them under Section 50 of A.P.S.E Act before the 4th respondent/Labour Officer, Kakinada are maintainable. Hence, the impugned order dated 31.1.2006 returning the applications of the petitioners is liable to be set aside and accordingly set aside. The 4th respondent/Labour Officer is directed to receive the applications and consider the same in accordance with law."

In view of the above, applications filed by the first respondent/workmen are maintainable. Since an remedy of appeal is provided against the orders passed by the second respondent dated 30.12.2006, I see no reason to interfere with the matter. The petitioner is at liberty to avail the remedy of appeal provided under Section 18 (3) of the A.P. Shops and Establishments Act.

Accordingly, the writ petitions are dismissed. No costs.

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N.V.RAMANA,J

DATE: 6-3-2007

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THE HON'BLE MR JUSTICE N.V. RAMANA

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[1] 2005 (5) ALD 682